

Angela M. Alioto, (SBN 130328)
Angela Mia Veronese, (SBN 269942)
LAW OFFICES OF JOSEPH L. ALIOTO
AND ANGELA ALIOTO
700 Montgomery Street
San Francisco, CA 94111-2104
Telephone: (415) 434-8700
Facsimile: (415) 438-4638

Of Counsel
Jody Meisel (SBN 109610)
LAW OFFICE OF JODY MEISEL
Law Offices of Jody Meisel
2632 Larkin Street, Suite 0
San Francisco, California 94109

Attorneys for Plaintiffs
TYRONE EVANS and PADRAIC (Pat) LACKEY

Larry M. Kazanjian, SBN: 071441
Heather S. Candy, SBN: 205900
PALMER KAZANJIAN WOHL HODSON LLP
520 Capitol Mall, Suite 600
Sacramento, CA 95814
Telephone: (916) 442-3552
Facsimile: (916) 442-3606

Attorneys for Defendants
MCM CONSTRUCTION, INC., JIM CARTER, ED PUCHI,
CHRIS SMITH, AND GREG ALLEN

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

Tyrone Evans and Padraic (Pat) Lackey.

Case No. 3:10-CV-04493-JL

Plaintiffs

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STIPULATION TO REMAND ACTION TO
STATE COURT [PROPOSED] ORDER RE
SAME

MCM Construction, Inc., Jim Carter, Ed Puchi, Chris Smith, Greg Allen and Roadway Electric.

Defendants.

1 Plaintiffs TYRONE EVANS and PADRAIC LACKEY (Plaintiffs) and Defendants MCM
2 CONSTRUCTION, INC., et al., (Defendants), by and through their counsel of record in this action,
3 hereby stipulate as follows:

4 WHEREAS, on July 20, 2010, Plaintiffs filed a Complaint in the Superior Court of
5 California in and for the County of Alameda entitled Tyrone Evans and Padraic (Pat) Lackey v.
6 MCM Construction, Inc., Jim Carter, Ed Puchi, Chris Smith, Greg Allen and Does 1-100 inclusive,
7 Case No. RG10526527;

8 WHEREAS on September 3, 2010, Plaintiffs filed their First Amended Complaint in the
9 California Superior Court for the County of Alameda:

10 WHEREAS on or about October 4, 2010, certain Defendants, including MCM Construction,
11 Inc., removed this case to the United States District Court for the Northern District of California;

12 WHEREAS, on or about October 21, 2010, the Plaintiffs and Defendants, through their
13 respective counsel of record, stipulated to dismiss the Eighth Cause of Action for Violation of
14 42 USC Section 1981 in Plaintiff's First Amended Complaint without prejudice;

15 WHEREAS, pursuant to the parties' stipulation, this Court issued its Order dismissing the
16 Eighth Cause of Action for Violation of 42 USC Section 1981 in Plaintiff's First Amended
17 Complaint without prejudice;

18 WHEREAS, based on this Court's dismissal of Plaintiffs' Eighth Cause of Action, there
19 remain no issues of federal law or federal subject matter jurisdiction in this action; and

20 WHEREAS, a hearing is set on February 2, 2011, regarding Plaintiffs' Motion to Remand;

21 **NOW, THEREFORE IT IS HEREBY STIPULATED AND AGREED** by and between
22 the parties, through their respective undersigned attorneys of record, that Plaintiffs' First Amended
23 Complaint is hereby remanded to the Superior Court of the State of California for the County of
24 Alameda and the February 2, 2011 hearing on the Plaintiffs' motion to remand is withdrawn and off
25 calendar.

1 IT IS SO STIPULATED.
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Dated: December 22, 2010

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7 THE LAW OFFICES OF JOSEPH L. ALIOTO &
8 ANGELA ALIOTO AND THE LAW OFFICES OF
9 JODY MEISEL
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12 By: Jody Meisel
13 Jody Meisel
14 Attorney for Plaintiffs
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17 Dated: December 22, 2010

18 PALMER KAZANJIAN WOHL HODSON LLP
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21 By: Heather S. Candy
22 Heather S. Candy
23 Attorneys for Defendants
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26 **ORDER**

27 Having reviewed the Stipulation executed by and between the parties hereto, through
28 their respective attorneys of record, it is hereby ordered that Plaintiffs' First Amended Complaint is
1 hereby remanded to the Superior Court of the State of California for the County of Alameda.
2 Moreover, the February 2, 2011 hearing on the Plaintiffs' motion to remand is off calendar.
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5 IT IS SO ORDERED

6 Dated: December 23, 2010

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Magistrate Judge James Larson
United States District Court
Northern District of California